APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,945	12/13/2001	Chad Allen Olstad	ROC920010232US1	2721

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ART UNIT	PAPER NUMBER
2186	

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DATE MAILED: 03/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No	Applicant(s)
Office Action Summary	10/021,945	OLSTAD ET AL.
	Examiner	Art Unit
	Stephen Elmore	2186

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 December 2001*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-18* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on *13 December 2001* is/are: a)☐ accepted or b)☒ objected to by the Examiner.
   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-18 are presented for examination.

2.   The specification has not been checked to the extent necessary to determine the presence

of all possible minor errors. Applicant's cooperation is requested in correcting any errors of

which applicant may become aware in the specification.

Drawings

3.   The drawings are objected to under 37 CFR 1.83(a). The drawings must show every

feature of the invention specified in the claims. Therefore, the following features must be shown

or the feature(s) canceled from the claim(s). No new matter should be entered.

        a.   claim 15 -- the feature "receiving a journal related request for a journal" is not

shown in the drawings, the drawings only show the features "receiving a journal related request

for a new journal entry" (page 6, line 23) or "receiving a journal related request to delete a

journal receiver object" (page 6, line 24), but a request for a journal is not equivalent to either of

the two requests mentioned above, therefore, the claimed feature is not shown.

        A proposed drawing correction or corrected drawings are required in reply to the Office

action to avoid abandonment of the application. The objection to the drawings will not be held

in abeyance.

Specification

4.   The disclosure is objected to because of the following informality:

a.   in the specification, at page 6, line 24 - page 7, line 2,

the feature "JRO" (journal receiver object) is described as "a JRO <u>represents</u> (emphasis

added) a single unit of allocation for Journal 145", however, first, "JRO" is not a term in the art,

and second, the description is inadequate to teach exactly what Applicant means by the JRO,

since although the specification suggests the "unit of allocation" is allocating units of memory,

nevertheless, the description does not say what elements or components the JRO allocated

memory actually contains, and also does not say what the "journal receiver object" actually

receives, therefore, the disclosure fails to teach one of ordinary skill in the art what the JRO

feature actually <u>is</u>.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making
> and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it
> pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode
> contemplated by the inventor of carrying out his invention.

6.   Claims 4 and 9 are rejected under 35 U.S.C. 112, first paragraph, because the

specification, while being enabling for the feature, "selecting a current oldest transaction and

then adjusting the priority of the job or jobs associated with the oldest transaction so that more

than one job can operate with an adjusted priority" (see Summary, page 4, lines 11-15, and see

page 5, line 27 - page 6, line 4), does not reasonably provide enablement for the feature *"selects*

therefrom a current oldest transaction for which to adjust priority such that more than one

transaction can be adjusted to operate with an adjusted priority". The specification does not

enable any person skilled in the art to which it pertains, or with which it is most nearly

connected, to make and or use the invention commensurate in scope with the claim limitation.

Since by definition there is only <u>one</u> **oldest** transaction outstanding, it is illogical and

therefore untaught by the disclosure, that the activity of selecting the current oldest transaction

can result in the effect where more than one transaction can be adjusted with an adjusted priority.

On the contrary, the disclosure instead teaches that the priority of more than one job, each

relating to the current oldest transaction (where a single transaction can relate to multiple jobs),

can be adjusted to operate with an adjusted priority. As an additional note, in reference to page 6,

lines 2-4, the specification's reference to the priority of <u>multiple older transactions</u> are interpreted

to be referring to the sum of each singular instance of the one **oldest** transaction, with each one

oldest transaction being outstanding over a period of time in such a way as to make an aggregate

of oldest transactions whose priorities were increased one after another, but not simultaneously.

7.   Claims 13 and 17 are rejected under 35 U.S.C. 112, first paragraph, because the

specification, while being enabling for the feature, "selecting a current oldest transaction and

then adjusting the priority of the job or jobs associated with the oldest transaction so that more

than one job can operate with an adjusted priority" (see Summary, page 4, lines 11-15, and see

page 5, line 27 - page 6, line 4), does not reasonably provide enablement for the feature *"wherein*

said selecting step comprises selecting a current oldest transaction from said outstanding

transactions such that more than one transaction can be adjusted to operate with an adjusted

priority in said adjusting step". The specification does not enable any person skilled in the art to

which it pertains, or with which it is most nearly connected, to make and or use the invention

commensurate in scope with the claim limitation.

Since by definition there is only <u>one</u> **oldest** transaction outstanding, it is illogical and

therefore untaught by the disclosure, that the activity of selecting the current oldest transaction

can result in the effect where more than one transaction can be adjusted with an adjusted priority

by the adjusting step. On the contrary, the disclosure instead teaches that the priority of more

than one job, each relating to the current oldest transaction (where a single transaction can relate

to multiple jobs), can be adjusted to operate with an adjusted priority. As an additional note, in

reference to page 6, lines 2-4, the specification's reference to the priority of <u>multiple older</u>

<u>transactions</u> are interpreted to be referring to the sum of each singular instance of the one **oldest**

transaction, with each one oldest transaction outstanding over a period of time in such a way as

to make an aggregate of oldest transactions whose priorities were increased one after another, but

not simultaneously.

8.   Claims 15-18 are rejected under 35 U.S.C. 112, first paragraph, because the specification,

while being enabling for the feature, in claim 15, "receiving a journal related request to create a

new journal entry or to delete a journal receiver object", does not reasonably provide enablement

for the feature *"receiving a journal related request for a journal"*. The specification does not

enable any person skilled in the art to which it pertains, or with which it is most nearly

connected, to make and or use the invention commensurate in scope with the claimed limitation.

a.   Since there is no teaching in the disclosure of the feature "receiving a journal

related request for a journal" the scope of enablement as taught in the disclosure does not

encompass the scope of claim 15 having this limitation, the disclosure <u>only teaches</u> one of

ordinary skill the two "request related features" mentioned above;

b.   Claims 16-18 inherits the deficiencies of the independent claim from which they

depend.

9.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
> subject matter which the applicant regards as his invention.

10.   Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for

omitting essential structural cooperative relationships of elements, such omission amounting to a

gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural

cooperative relationships are:

a.   in Claims 1, 6 and 11, as to the language *"said memory management mechanism*

adjusting transaction priority...and thereby permit more efficient journal space utilization," this

language is incomplete because there is a structural cooperative gap between the activity of

"adjusting transaction priority" and the desired result of "thereby permitting more efficient

journal space utilization," or in other words, the claimed elements do not provide support for the

statement of desired results;

b.   Claims 2-5, 7-10, and 12-14 inherits the deficiencies of the independent claim

from which they depend.

11.   Claims 4 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention. The

claim is indefinite because:

a.   in this claim the language *"selects therefrom a current oldest transaction for*

which to adjust priority such that more than one transaction can be adjusted to operate with an

adjusted priority" is unclear because it appears to suggest that more than one current oldest

transaction's priority is adjusted by the single select activity, which suggestion is illogical and

unclear.

12.   Claims 13 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention. The

claim is indefinite because:

        a.   claims 13 and 17 contains the language *"wherein said selecting step comprises*

selecting a current oldest transaction from said outstanding transactions such that more than

one transaction can be adjusted to operate with an adjusted priority in said adjusting step"

which language is not logical because, according to the language the selecting step only selects

one transaction, the current oldest transaction, and if only one transaction is selected, then it is

illogical that more than one transaction can be adjusted, since there is no mechanism by which

the selection of one transaction translates into affecting more than one transaction.

Allowable Subject Matter

13.   Claims 1-3, 5-8, 10-12 and 14 would be allowable if rewritten or amended to overcome

the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

Conclusion

14.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

15.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Stephen Elmore whose telephone number is (703) 308-6256. The

examiner can normally be reached on Mon-Fri from 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Matthew Kim can be reached on (703) 305-3821. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Stephen Elmore
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Art Unit 2186

March 8, 2004